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AUTHOR Anapol, Malthon M.
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ABSTRACT

A survey of college speech communication programs was conducted to determine the size and scope of the combined study of communication and law. Data from 117 of 200 randomly sampled institutions were used for analysis. A substantial majority of the institutions offered or were planning to offer courses concerned with the relationship between communication and law. More than one-half of the respondents offered graduate and undergraduate courses in communication and law, while 41% offered such courses only at the undergraduate level. About one-fourth of the respondents reported programs or specialization options in communication and law, with 11% offering these options at the graduate level. Most of the schools had faculty involved in research about communication and law. Only 16% of the respondents considered textbooks on the subject adequate. A majority of the respondents (62%) considered bibliographic materials on communication and law to be inadequate. Based on these data, it appears that the study of communication and law has expanded greatly in the past ten years. (RL)

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COURSES, CURRICULA, AND ENROLLMENTS IN COMMUNICATION AND LAW

Malthon M. Anapol

Howard University

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COURSES, CURRICULA, AND ENROLLMENTS IN COMMUNICATION AND LAW

While the long term relationship between communication, law, and rhetoric has been studied [1] there have to date been no efforts to determine the current dimensions of the field. Since 1980 is the tenth anniversary of two landmark occasions in the modern development of the study of communication and law it seemed an appropriate time to survey the size and scope of this old but new study.

The two landmarks alluded to were first the publication in November, 1970, of a special theme issue on "Communication and the Law," by Today's Speech, now Communication Quarterly,[2] under the editorship of Michael Prosser; and the first convention program on the topic at the Eastern Communication Association meeting in New York in March, 1970. That panel was entitled, "Can Communication and Law Be Developed As an Academic Discipline?"

Method

A cover letter and a two page questionaire were mailed to two hundred randomly selected schools on January 25, 1980. The random sample was drawn from a list of 800 universities and colleges listed in the 1979 Speech Communication Directory as offering one or more degrees in communication or speech communication. The writer felt that there would be no point in surveying programs not offering at least an undergraduate major. The study was confined to four-year colleges. The random sample included public and private schools of varying size in 47 of the 50 states. The survey form asked responding institutions to identify themselves and indicate the degrees they offered.

Results

A total of 117 usable reply forms were received for a return rate of 58%, which suggests that the data is reasonably representive of the 800 collegiate insitutions which offer degrees in speech communication. All percentages reported in this paper can be extrapolated only for that base. No doubt the data for the universites and colleges not on the S.C.A. list would show a significantly lower level of activity in communication and law.

The makeup of the 117 insitutions returning the form included 88 public institutions or 75% of the total, and 29 privately supported collegs for 25% of the total. The schools were divided into two size categories, under 5,000 enrollment were classified as small and over that figure were classified as large. On that basis a total of 70 respondents or 60% were considered large colleges, and 47 or 40% were considered small. The bias toward large and public suggests that degree programs in our discipline may be concentrated in the larger and the public institutions and that communication and law programs are more common in the larger, public institutions. But the data does appear to represent a fair cross-section of colleges and universities.

On the 117 schools reporting, 89 or 76% reported one of more courses currently being offered; 28 or 24% were not presently offering courses in communication and law. However 13 of the 28 not presently offering courses reported that they were planning courses slated to begin in 1981 or 1982. Thus 46% of those not offering one or more courses are planning such courses, and should they follow through on their plans the total offering communication and law work by 1982

would rise to 102 or 87%.

In terms of course levels, 48 colleges or 41% offered undergraduate instruction only; 62 or 53% offered both graduate and undergraduate courses; and seven schools or 6% offer graduate level courses only. About half of the programs offering both graduate and undergraduate instruction have courses open to both graduate students and advanced undergraduates.

All of the courses reported were three semester hours credit or the equivelent, and the range of courses per school was from one to eight, with the mean number of courses per school being two. Enrollment per course also showed a wide range with a low of eight students per course per semester to a high 200. The mean enrollment per school was reported to be 56.12 for each semester; and 29.2 students for a single course for one semester. These figures will seem higher than expected for some readers, but it may be that a discussion and analysis of the data will help to explain the reasons for the data.

The next area of the questionaire dealt with programs or specialization options offered in communication and law. In the undergraduate area 32 programs or 27% of the total respondents reported such a program. At the graduate level 13 programs or 11% reported such a program. From analyzing the response forms it can be observed that the term "program" had a wide variety of meanings to our respondents. Some defined the opportunity to write a thesis or dissertation in communication and law as a program; while others referred to four or five communication and law courses plus cognate

courses adding up to a comprehensive program. While the nature of these programs will be sharply detailed through the listing of course titles later in this report, these programs can be grouped under three main headings. There are programs that deal with trials, juries, and court room argument; second, some programs are centered on the freedom of speech area; and third, some programs are concerned with mass communication regulation and policy.

Each respondent was asked about the extent of communication and law research in their department. An affirmative answer was given by 73 schools or 62% of the group replying. The range of faculty involved was from one to four, and the mean was 1.9 faculty per school engaging in communication and law research. Another area of interest was the presence of a law school on the campus of the responding institution. Some 60 respondents or 51% reported a law school on campus, while 57 or 49% had no law school on campus. Those reporting law schools were asked if they had any interaction with the law school. To that question 32 of the 60 schools reporting law schools, gave an affirmative answer. That gave us 53% reporting interaction with a law school and 47% or 28 schools not interacting with a campus law school. No particular pattern of course or program development was found to correlate with either the presence of a law school or interaction with such a school.

Another concern was the starting date for offering courses in communication and law. Only 88 of our 117 respondents reported a definite starting date. The range of starting years was from one in 1956 to thirteen in 1980, although thirteen programs also reported starting dates of 1978, and 1970. The median year for program initiation was 1974, and only ten starting dates prior to

1970 were reported. It seems clear that in general communication and law programs and courses were a phenomenom of the 1970's, but one which appears to be continuing into the 1980's. The mean age of all programs reporting a starting date was calculated to be 7.3 years as of January, 1980, which suggests a 1973 or 1974 starting date.

Respondents were asked to estimate the after college interests of their students, the results are reported in table 1, below.

Table 1

After Graduation Interests of Students As Estimated By Faculty

Objective	Rank	Estimated Per Cent of Students Interested
Law School	2	23%
Mass Communication	1	37%
Teaching	3	17%
Research	5	8%
Paralegal Work	6	6%
Other (Business and P.R. predominated.)	4	9%

We were also concerned with the perceived adequacy of text books and bibliographic materials in communication and law. In answer to a question on the adequacy of text book resources, 92 replies were received. Only 15 respondents or 16% reported text books adequate, while 77 or 84% found them inadequate. Most of the adequate replies came from people in the mass communications area of the discipline. A list of the most frequently books and articles will be reported at the end of the paper. In the area of bibliogrphy the picture was more positive with 35 of 92 respondents (38%) finding

bibliographic resources adequate. However, a majority of the respondents, 57 out of 92 (62%) found bibligraphic materials to be inadequate.

In order to assess both past and future growth patterns it seemed advisable to ask our respondents to both report on past growth and predict future growth. The results of these questions are reported in table 2.

Table 2

Respondent Estimates of Present and Future Growth Trends

Question Considered	N	Rate of Growth					
		Slow	Moderate	Good	Superior	Outstanding	Don't Know
Past Growth of Courses, and Enrollments	95	13(14%)	19(20%)	32(34%)	19(20%)	4(4%)	8(9%)
Predicted Growth of Courses & Enrollments	104	6(6%)	10(10%)	48(46%)	16(15%)	7(7%)	17(16%)
Predicted Growth of Research Projects	102	6(6%)	23(23%)	46(45%)	16(15%)	7(7%)	4(4%)

Discussion of Results

It would appear that communication and law has become a growth area in our discipline; it seems a reasonable comment that even the most optimistic among us will find the present level of course offerings and enrollments surprising. Both reported plans to add courses and projections for future growth suggest that this trend will continue, at least for the short term future. The sizeable enrollment figures reported are probably due in part at least to large enrollment courses and sections in courses in mass communication law and regulation,

and in freedom of speech. Courses in legal argument and court room communication tend to run considerably smaller, but appear to be quite healthy. This constellation of interests is also reflected in the estimates of student objectives, since the mass communication industry and law school attendance appear to be the objectives of about 50% of our students. Some programs, i.e. Northwestern, reported up to 50% of their students headed towards law school. One revelation in this segment of the study was finding a large response under "other" and finding that this was predominantly students in business and public relations.

There were seven major headings reported under program titles for undergraduates, encompassing about 20 programs, which in one way or another reflected a pre-legal orientation. This clearly suggests that considerable growth and activity is being generated in the preparation of undergraduate students for law school study. Not surprisingly, teaching and research, were ranked third and fifth, and account for only 25% of the total of student objectives. From this we can deduce that our students are much like the general college student population in that they are opting for job oriented curricula. It may well be that the surge of growth in communication and law is at least in part related to the student shift in interest from liberal education to career oriented education.

Some readers may find the emerging outline of the amorphous term "communication and law," something of a surprise. It seems clear that communication colleagues perceive the field as including three distinct, but interrelated areas. Much of the early writing and research dealt with legal argument and trial and jury variables, and that emphasis seems to predominate in the prelegal programs.

However, a significant group perceives courses dealing with mass communication regulation and law as part of the territory. It should be noted that the mass communication industry ranks as the number one objective of the students, according to faculty estimates of student objectives. A third dimension of the field appears to be in courses dealing with freedom of speech and expression. These courses include some elements of the first two dimensions being concerned with the rhetoric of law and with the first amendment. In addition to enlarging the field, freedom of speech courses can provide a connecting link between mass communication oriented courses and court room courses. There is much to be said for permitting the interests and perceptions of our colleagues to define a relatively infant field like communication and law.

Conclusions

It is an inescapable conclusion that communication and law has enjoyed an exciting and booming initial decade of growth as a field of study, research, and teaching among institutions of higher education offering degrees in communication. The next ten years looks promising with growth predictions centered in the good to superior range. At the same time we need to consider the perceived feeling that we lack adequate text book resources, and that bibliography is also inadequate though not as difficult as the text book situation. Finally, the widely scattered nature of course titles and reading assignments suggests that we need to do more research on the nature of the territory.

Appendix I

Reported Course Titles in Communication and Law

A. Pre Law Type Courses

COURSE TITLE	FREQUENCY	RANK
Communication and Law	16	1
Legal Argumentation	10	2
Legal and Judicial Communication	8	3
Communication in the Legal Arena	7	4
Advanced Argumentation	6	6
Legal Communication	6	6
Argumentation and Persuasion in Courts	5	8
Legal Rhetoric	5	8
Communication for Lawyers	4	9
Communication Stratgey in the Court Room	3	10

(Others Reported One or More Times)

Ethical Problems in Communication

Legal Literature & Readings

Internship

Special Topics in Law & Communication

American Law & Government

Law and the Social Sciences

Native Americans and Legal Communication

Seminar in Communication and Law

B. Mass Communication Law Type Courses

COURSE TITLE	FREQUENCY	RANK
Legal Issues in Mass Communication	11	1
Government Regulation of Broadcasting	10	2
Mass Communication Law & Policy	9	3
Broadcasting & Cable Regulation	8	4
Broadcasting & Public Interest	7	5
Seminar in Mass Communication Law	5	6
Legal Research for Communication Scholars	2	8
Broadcast Regulation	2	8
Control of Mass Communication	1	9

C. Freedom of Speech Type Courses

Speech in a Free Society	10	1
Seminar in Freedom of Speech	9	2
Free Speech in America	7	3
Freedom of Speech in the Schools	5	4
Freedom of Expression and the Law	3	5

D. Courses Being Planned

Legal Communication Research	4	1
Moot Court Competition	2	2
Survey of Communication & Law	1	3

Appendix II

Materials Assigned in Communication and Law Courses

TITLE	AUTHOR	FREQUEN.	RANK
Rhetoric and Law: An Overview	M.M. Anapol	16	1
The Pentagon Papers Trial	K. Salter	13	2
Legal Problems in Broadcasting	Toohey, Marks, & Lutzker	12	4
Mass Communication Law: Cases & Comment	Gillmor & Baron	12	4
The Trial of Inez Garcia	K. Salter	10	5
The Art of Cross Examination	F. Wellman	9	6
Mass Communication Law	Zuckman & Gaynes	8	8
The Politics of Broadcast Regulation	Krasnow & Longley	8	8
The Rhetoric of Law	R. Rieke	7	9
Introduction to Reasoning	Rieke & Toulmin	6	11
Argumentation & Decision-Making Proc.	Rieke & Sillars	6	11
Courts on Trial	J. Frank	5	12
Principles & Practices of Freedom of Speech	H. Bosmajian	4	13
Freedom of Expression	Emerson	3	14
Mass Media Law & Regulation	W. Francois	2	15
(Others Reported One or More Times)			
Trial Advocacy	Jeans		
Law and the Courts	Am. Bar Association		
How To Find the Law	F. Cohen		
Decision By Debate	Ehninger & Brockriede		
Legal Rules in a Nutshell	F. Cohen		
Broadcast Legal Documentation	D. LeDuc		
Free Speech Decisions & the Legal Proc.	"		
Introduction to Legal Reasoning	E. Levi		
Litgation: Special Issue on Persuasion, Vol. 3, No. 4 Summer 1977	Am. Bar Association		

Appendix II (Continued)

The Jury System in America	R. Simon
Introduction to Advocacy	Harvard Law Review
Legal Writing	B. White
Persuasion	H. Simons
Trial and Practice Skills in a Nutshell	West Pub. Co.
Documents of American Broadcasting	F. Kahn

END NOTES

[1] Malthon M. Anapol, "Rhetoric and Law: An Overview," Today's Speech, Vol. 18, No. 4, Fall 1970.

[2] Special Issue: Communication and the Law, Today's Speech, Vol. 18, No. 4, Fall 1970.